

City Council Minutes

The Round Rock City Council met in Regular Session on Tuesday, February 10, 2005 in the City Council Chamber, 221 E. Main Street.

CALL SESSION TO ORDER – 6:00 P.M.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Clifford, Councilmember Scot Knight, and Councilmember Gary Coe. Councilmember Tom Nielson and Councilmember Scott Rhode. Also present were City Manager Jim Nuse, and City Attorney Steve Sheets.

EXECUTIVE SESSION:

3.A. Executive Session as authorized by Section 551.071

Government Code, related to pending litigation, to wit: *The City of Round Rock vs. Richard Wallace Pearce and Jesse Ray Blann.* The Council recessed to the Executive Chamber for the Executive Session. The Council entered into Executive Session for this item at 6:04 p.m. and adjourned at 6:45 p.m.

3.B. Executive Session as authorized by Section 551.071

Government Code, related to pending litigation, to wit: *Western Rim Investors 2000-1, L.P. d/b/a Mansions on the Green I and II v. The City of Round Rock.* The Council entered into Executive Session for this item at 6:46 p.m. and adjourned at 6:58 p.m.

CALL REGULAR SESSION TO ORDER:

Mayor Maxwell called the regular session to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Maxwell led the Pledge of Allegiance.

ROLL CALL: Those members present were Mayor Nyle Maxwell, Mayor Pro-tem Alan McGraw, Councilmember Clifford, Councilmember Scot Knight, and Councilmember Gary Coe. Councilmember Tom Nielson and Councilmember Scott Rhode were absent. Also present were City Manager Jim Nuse, and City Attorney Steve Sheets.

CITIZENS COMMUNICATIONS:

Mike Hemker, TAAF Executive Boardmember, 401 W. Front Street, Hutto, presented Sharon Prete, Parks and Recreation Director with the Individual Life Membership Award from the Texas Amateur Athletic Federation (TAAF). Ms. Prete has been a federation member for 25 years and served as an executive board member. In 1992, she received the TAAF President's Award.

Bill Beebe, Round Rock Senior Citizens Foundation, 515 Dennis Drive, announced that this year's Daffodil Day Festival will be March 19th. Mr. Beebe outlined activities for the festival.

PUBLIC HEARINGS:

8.A.1. Consider public testimony regarding the proposed adoption of the Southwest Downtown Plan. Joe Vining, Executive Director of Community Development made the staff presentation. The planning process began with a survey of neighborhood residents, property owners, and business owners, which formed the basis for topics selected for discussion in eleven neighborhood workshops held from June 2003 through September 2004. The process culminated

with an open house to present a draft of the Southwest Downtown Plan to the neighborhood in November 2004. The Plan was recommended by the Planning and Zoning Commission for adoption by the City Council at their January 2005 meeting. The Southwest Downtown Plan, a proposed amendment to the General Plan, presents recommendations to revitalize and enhance the Southwest Downtown Area of Round Rock. This area is bounded by IH-35 to the West, Round Rock Avenue to the North, Mays Street to the East, McNeil Road to the Southeast, and Lake Creek to the Southwest. With the construction of the Municipal Office Complex and plans for street improvements and utility upgrades, the Plan Area is changing significantly. In addition, many of the once single-family residences have been converted into offices.

The Southwest Downtown Plan seeks to accommodate change in the area while:

- Incorporating public input in the planning process
- Revitalizing the district's infrastructure, including streets, curbs, sidewalks, utilities and drainage
- Accommodating existing single-family residences by examining the compatibility of land uses
- Providing for new uses and for the redevelopment of existing buildings
- Increasing public and private parking
- Protecting and enhancing the special character of the area
- Creating a pedestrian friendly environment

Elements of the Southwest Downtown Plan are:

- Public Participation

- Proposed Mixed-Use Zoning District
- Streets & Infrastructure
- Parking
- Design
- Recommendations & Implementation

The public notice and public hearing were held in accordance with the City of Round Rock's Zoning Ordinance. No members of the public spoke against the Plan at the Planning and Zoning Commission meeting on January 12, 2005.

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

8.A.2. Consider public testimony regarding an application filed by the City of Round Rock to rezone a portion of 4.6575 acres of land from District C-1 (General Commercial with the Historic Overlay) to District C-1 (General Commercial). (1000 E. Main Street) Jim Stendebach, Planning Director made the staff presentation. The structure which sits on a portion of the 4.6575 acre tract was zoned with a historic overlay zoning in 1997 per ordinance #Z-97-05-22-10B. At that time, only the "outbuilding" structure was designated as a historic landmark. In March 2004, the structure with historic overlay zoning was demolished because it was determined to be beyond repair and a danger to public safety. The City is requesting the removal of the historic overlay zoning on the portion of the 4.6575-acre tract, which once had an outbuilding of the former Trinity Lutheran College on it. The structure was demolished in 2004. The Historic Preservation Commission recommended removal of the Historic Overlay at their September 2004 meeting. The public notice and a public hearing were held in accordance with the City of Round Rock's Zoning Ordinance. No members of the public spoke against this application at the Planning and Zoning Commission public hearing held on January 12, 2005.

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

8.A.3. Consider public testimony regarding an application filed by the City of Round Rock to rezone a portion of 19.9841 acres of land from District SF-2 (Single Family-Standard Lot with Historic Overlay) to District SF-2 (Single Family-Large Lot). (106 W. Anderson) Jim Stendebach, Planning Director made the staff presentation. The 19.9841-acre tract is the location of C.D. Fulkes Middle School. In 1993, a portion of that lot, formerly 106 W Anderson, was designated as a historic landmark per ordinance #Z-93-08-26-12A. In 1995, the house was moved from the lot. At their September 2004 meeting, the Historic Preservation Commission recommended removing the historic overlay zoning from the portion of the Round Rock ISD parking lot where the historic house once stood. The City is requesting the removal of the historic overlay zoning on the portion of the 19.9841-acre tract. This portion of the tract had a house on it that was moved from the site (to a location outside of the City limits of Round Rock) in 1995. The public notice and a public hearing were held in accordance with the City of Round Rock's Zoning Ordinance. No members of the public spoke against this application at the Planning and Zoning Commission public hearing held on January 12, 2005.

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

8.A.4. Consider public testimony regarding an application filed by the City of Round Rock to rezone Comfort Suites Subdivision, Lots 1 and 2 from District C-1 (General Commercial with the Historic Overlay) to District C-1 (General Commercial). (420 S. IH 35 and 611 Chisholm Trail) Jim Stendebach, Planning Director made the staff presentation. In 1989, 716 Round Rock Avenue (Todd Residence/Spanish Schoolhouse) was designated as a historic landmark per ordinance #1278. In 1996, it was demolished. On December 17, 1997, the tract was platted and subdivided into 2 lots (420 IH-35 and 611 Chisholm Trail). The Comfort Inn and Suites was constructed on the site. The City is requesting the removal of the historic overlay

zoning on Lots 1 and 2 of the 3.2435 acre tract which is now the Comfort Inn and Suites. The Historic Preservation Commission recommended removal of the historic overlay in September 2004 since the historic structure was demolished. The public notice and a public hearing were held in accordance with the City of Round Rock's Zoning Ordinance. No members of the public spoke against this application at the Planning and Zoning Commission public hearing held on January 12, 2005.

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

8.A.5. Consider public testimony regarding an application filed by KLIP Investments, L.P. to adopt original zoning of District SF-2 (Single Family-Standard Lot) on 16.517 acres of land. (845 Hidden Glen Drive) Jim Stendebach, Planning Director made the staff presentation. The 157.652 acre Rasmussen Tract (Hidden Glen Subdivision) located west of the Georgetown Railroad and north of FM 3406 was zoned single family residential standard lot (SF-2) in December 1999; there was a save and except portion of 16.517 acres not included in the zoning and annexation at that time. This is now under review for your consideration. The 16.517 acre tract is part of a single-family residential subdivision. The developer has an agreement with the Parks Department to dedicate this acreage to the City for park uses and now that the developer has completed the platting phase of the subdivision this tract will be dedicated to the City for park uses. This is a permitted use in the SF-2 zoning district. The Parks Department has currently labeled this park as a neighborhood "passive" park. The City will provide the citizens with benches, picnic tables and walking trails and a possible playground once funding is in place. The zoning request complies with the General Plan 2000 and is consistent with City land uses policies. The public notice and a public hearing were held in accordance with the City of Round Rock's Zoning Ordinance. No members of the public spoke against this

application at the Planning and Zoning Commission public hearing held on January 12, 2005.

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

8.A.6. Consider public testimony regarding an application filed by the City of Round Rock to adopt original zoning of District OS (Open Space) on 1.698 acres of land. (4451 Kiphen Road/CR 113) Jim Stendebach, Planning Director made the staff presentation. This 1.698 acre tract is located on the southwest corner of CR 122 and Kiphen Rd. This tract was annexed on June 26, 2003 per Ordinance # A-03-06-26-10B6. This tract was not included in the original Old Settlers Park zoning request and is now being considered in order to update the zoning map. The City is requesting a zoning of OS (Open Space) on this 1.698 acre tract that is located at the southwest corner of CR 122. This zoning request is compatible with the surrounding tracts that are currently open space zoned lands on both the south and west known as Old Settlers Park; as well as single family residential zoning to the north. This zoning request complies with General Plan 2000 and is consistent with City land uses policies. The public notice and a public hearing were held in accordance with the City of Round Rock's Zoning Ordinance. No members of the public spoke against this application at the Planning and Zoning Commission public hearing held on January 12, 2005.

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

8.A.7. Consider public testimony regarding proposed revisions to Chapter 8, Subdivisions, Code of Ordinances (1995 Edition) to amend the Table of Contents and the definition of "Protected Tree", to correct terms provided in the fee schedule, and to correct other minor errors and omissions. Jim Stendebach, Planning Director made the staff presentation. The Subdivision Ordinance went into effect on January 1, 2005. The Tree Protection Ordinance was adopted by City Council on January 13, 2005 and is now in effect. Staff proposes several amendments to the Subdivision Ordinance which became effective on January 1, 2005. The amendments include language to ensure compliance with the city's new Tree Protection Ordinance. In addition, the proposed amendments correct minor errors and unintended omissions in the Subdivision Ordinance.

Compliance with new Tree Protection Ordinance

- A revised definition of the term "protected tree" is included in the Subdivision Ordinance to reflect the new provisions of the Tree Protection Ordinance.
See Section 8.106 (56)
- Proposed amendments to the Subdivision Ordinance include modified application requirements to ensure submittal of a tree replacement plan per the requirements of the new Tree Protection Ordinance. Both a tree survey and a tree replacement plan will be required at the Preliminary Plat stage. In most cases, the tree replacement plan will consist of a letter to the Forestry Manager detailing calculations for replacement and a planting plan. *See Section 8.205.j*
- In some cases, the developer may prepare either a tree inventory or a partial tree survey in lieu of the normally required tree survey to accommodate unique tracts where a full tree survey is not warranted. For example, this exception would apply to those tracts where protected trees are concentrated in a small area or located in the flood plain. *See Section 8.205.b*

- Written confirmation by the Forestry Manager that the provisions of the Tree Protection Ordinance have been met will be required prior to Final Plat recordation. *See Section 8.213.i*

Minor errors and omissions

Legal staff has requested the following changes to clarify or correct ordinance language and to ensure compliance with other ordinances and the City Charter.

- In the fees section, the term "Plat Note Vacations" is amended to "Plat Vacations" to reflect the appropriate fee and process. *See Section 8.116.4*
- "Easement Vacation" has been renamed "Easement Release". *See Section 8.211*
- Administrative approval of an Easement Release will be granted by the City Manager instead of the Planning Director. *See Section 8.211.2*
- An amendment is included to require the submittal of a deed for dedicated ROW lots at Final Plat recordation. *See Section 8.213.e*
- A new provision is included that requires the developer to provide title insurance for any dedicated parkland to ensure the property has clear, unencumbered title. *See Section 8.306 (2)*

Mayor Maxwell opened the public hearing. There being no public testimony the public hearing was closed.

CONSENT AGENDA:

The following items were considered routine by the City Council and were enacted by one motion. There was no separate discussion on any of these items. The minutes for December 2, 2004 were removed from the entire agenda.

*10.A. Consider approval of the City Council minutes for January 27, 2005 and December 2, 2004. *The minutes of December 2, 2004 were removed from the agenda.*

*11.A.1. Consider an ordinance amending Chapter 9, Section 9.502 of the Round Rock Code of Ordinances establishing a 45-mph speed zone on A.W. Grimes Boulevard from Gattis School Road to Lake Creek. (Second Reading)

*11.A.2. Consider an ordinance amending Chapter 9, Section 9.1816 of the Round Rock Code of Ordinances prohibiting the parking of vehicles on a portion of Sundance Parkway. (Second Reading)

*11.A.3. Consider an ordinance authorizing the placement of stop signs at various intersections in the Lake Forest III Village II Subdivision. (First Reading)

*11.A.4. Consider an ordinance authorizing the placement of stop signs at various intersections in the Village at Mayfield Ranch Subdivision, Phase III. (First Reading)

*11.A.5. Consider an ordinance authorizing the placement of stop signs at various intersections in the Rainbow Parke Subdivision. (First Reading)

*11.A.6. Consider an ordinance authorizing the placement of stop signs at various intersections in the Sandy Brook Subdivision, Section 6. (First Reading)

*11.A.7. Consider an ordinance authorizing the placement of stop signs at various intersections in the Sonoma Subdivision, Sections 11 & 12. (First Reading)

*12.B.2. Consider a resolution resetting a date, time and place for a public hearing on the creation of the Forest Creek Drive Public Improvement District.

*12.C.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 5 to the Agreement for Engineering Services with S.D. Kallman, L.P. for the Westinghouse Wastewater Interceptor Project.

MOTION: Councilmember Coe moved to approve all the items on the consent agenda. Councilmember Knight seconded the motion.

VOTE:

Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell

Nays: None

Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

*10.A. Consider approval of the City Council minutes for January 27, 2005 and December 2, 2004. This item was approved under the consent agenda. The December 2, 2004 City Council minutes were withdrawn from the agenda.

ORDINANCES:

*11.A.1. Consider an ordinance amending Chapter 9, Section 9.502, Code of Ordinances (1995 Edition) establishing a 45-mph speed

zone on A.W. Grimes Boulevard from Gattis School Road to Lake Creek. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.502, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS CHANGING THE SPEED ZONE A PORTION OF A.W. GRIMES BOULEVARD; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*11.A.2. Consider an ordinance amending Chapter 9, Section 9.1816, Code of Ordinances (1995 Edition) prohibiting the parking of vehicles on a portion of Sundance Parkway. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.1816, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO PROHIBIT PARKING ON A PORTION OF SUNDANCE PARKWAY; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*11.A.3. Consider an ordinance authorizing the placement of stop signs at various intersections in the Lake Forest III, Village III Subdivision. (First Reading)
This item was approved under the consent agenda.

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE FOLLOWING INTERSECTIONS IN THE LAKE FOREST III, VILLAGE III SUBDIVISION AS STOP INTERSECTIONS: TIMBER CREEK COVE AT COLLINGWOOD DRIVE, CLIFFSIDE COVE AT COLLINGWOOD DRIVE, AND TOFINO COVE AT COLLINGWOOD DRIVE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*11.A.4. Consider an ordinance authorizing the placement of stop signs at various intersections in the Village at Mayfield Ranch Subdivision, Phase III. (First Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE FOLLOWING INTERSECTIONS IN THE VILLAGE AT MAYFIELD RANCH SUBDIVISION, PHASE III AS STOP INTERSECTIONS: SHELL CASTLE LANE AT PINE NEEDLE CIRCLE, SHELL CASTLE LANE AT DOLOMITE TRAIL, AND DOLOMITE TRAIL AT PINE NEEDLE CIRCLE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*11.A.5. Consider an ordinance authorizing the placement of stop signs at various intersections in the Rainbow Parke Subdivision. (First Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE FOLLOWING INTERSECTIONS IN THE RAINBOW PARKE SUBDIVISION AS STOP INTERSECTIONS: MICKEY MANTLE PLACE AT CR 122, RAINBOW COVE AT RAINBOW PARKE DRIVE, RAINBOW PARKE DRIVE AT ALEXANDRIA WAY, ALEXANDRIA WAY AT RAINBOW PARKE DRIVE, ALEXANDRIA WAY AT MICKEY MANTLE PLACE, AND RAINBOW PARKE DRIVE AT MICKEY MANTLE PLACE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*11.A.6. Consider an ordinance authorizing the placement of stop signs at various intersections in the Sandy Brook Subdivision, Section 6. (First Reading) This item was approved under the consent agenda.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRAFFIC CODE BY DESIGNATING THE FOLLOWING INTERSECTIONS IN THE SANDY BROOK SUBDIVISION, SECTION 6 AS STOP INTERSECTIONS: HAYNIE BEND AT SANDY BROOK DRIVE, AND HOLDEN DRIVE AT HAYNIE BEND; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

*11.A.7. Consider an ordinance amending Chapter 9, Section 9.1816, Code of Ordinances (1995 Edition) prohibiting the parking of vehicles on a portion of Logan Drive. (First Reading) This item was withdrawn from the agenda.

11.B.1. Consider an ordinance amending Chapter 5, Section 5.601, Code of Ordinances (1995 Edition) regarding fireworks. (First Reading) Steve Sheets, City Attorney made the staff presentation. Among other things, Section 5.601 prohibits the sale of fireworks within 5,000 feet of the City's corporate limits. Late last year a lawsuit was filed by the owner of a retail fireworks business challenging the validity of the City's ordinance prohibiting the sale of fireworks. Among other grounds, the Plaintiff in that lawsuit alleged that a phrase in the City's ordinance prevented the City from enforcing the prohibition of fireworks stands located within the extraterritorial jurisdiction of another city. The fireworks stand in question is located within the ETJ of Austin, but also within 5,000 feet of the corporate limits of Round Rock. This ordinance will delete the phrase, thereby making it clear that the City intends to enforce the prohibition against the sale of fireworks within 5,000 feet of its corporate limits, including any portion thereof that falls within the extraterritorial jurisdiction of another city.

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 5, SECTION 5.601 REGARDING FIREWORKS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Knight moved to dispense with second reading of the ordinance with the unanimous consent of all of the Councilmembers present and to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE:

Ayes:	Mayor Pro-tem McGraw Councilmember Clifford Councilmember Knight Councilmember Coe Mayor Maxwell
Nays:	None
Absent:	Councilmember Nielson Councilmember Rhode

ACTION: The motion carried unanimously.

11.B.2. Consider an ordinance amending Chapter 3, Section 3.1412, Code of Ordinances (1995 Edition) regarding the regulation of outdoor signs in the City's extraterritorial jurisdiction. (First Reading) This item was withdrawn from the agenda at the request of staff.

11.B.3. Consider an ordinance amending Chapter 1, Code of Ordinances, (1995 Edition) to add Section 1.3400, Special Events. (First Reading) Steve Sheets, City Attorney made the staff presentation. A special event is defined as a planned temporary attraction such as street fairs and art and craft shows that (i) are conducted primarily outdoors on property open to the public; (ii) interfere with the normal flow of pedestrian or vehicular traffic; or (iii) require special City services such as street closure, barricades, refuse services, special parking arrangements, special electrical services or special police/fire services or protection. It is unlawful to conduct a Special Event without obtaining a permit from the City Manager. The application fee is \$50.00. The City Manager reviews the application in accordance with established standards for approval, and then either approves or denies the application. The denial of an application may be appealed by the City Council. If the

Special Event is partially or fully contained on City property, the Applicant must provide liability insurance, indemnify the City against claims, and provide a surety bond to cover damages to City property. If special police service or other city services are required, the City may require that the applicant cover the cost of the required additional services.

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 1, ADDING SECTION 1.3400 REGARDING SPECIAL EVENTS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Coe seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

11.B.4. Consider an ordinance amending Chapter 1, Code of Ordinances (1995 Edition) to add Section 1.3500, Blockparties. (First Reading Steve Sheets, City Attorney made the staff presentation. At the present time, the City has no ordinances or other officially adopted policy for regulating block parties. This results in some degree of confusion on the part of the city staff and citizens alike regarding how block parties are approved and conducted. Clear and consistent policies will help to eliminate inconsistencies in the way these events are handled, as well decrease the amount of staff and council time spent on dealing with applications for these events. A block party is defined as a gathering on a residential street requiring

closure of a street to vehicular traffic, and the use of the street for the festivity. It is unlawful to conduct a block party without obtaining a permit from the Director of Public Works Operations. The application fee is \$25.00. An application for a block party must be accompanied by a petition signed by at least 75% of the adult owners of property abutting the street to be closed. The Director will either approve or deny the application. If an application is denied, it may be appealed to the City Council.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 1, ADDING SECTION 1.3500 REGARDING BLOCKPARTIES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to amend the ordinance by including a provision that waives the permit fee and to include specific language concerning the closing of a portion of a street for a block party. Councilmember Coe seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Coe moved to adopt the ordinance as amended. Councilmember Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell

Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

11.B.5. Consider an ordinance amending Chapter 1, Code of Ordinances

(1995 Edition) to add Section 1.3600, Parades. (First Reading) Steve Sheets, City Attorney made the staff presentation. A parade is defined as a march, procession or motorcade upon public streets consisting of three or more persons, vehicles, etc. with the intent of attracting public attention that interferes with the normal flow of traffic. Does not apply to funeral processions, students going to and from classes, or governmental agency acting within its scope. It is unlawful to hold a parade without a permit issued by the Chief of Police. The application fee is \$50.00. The Chief of Police reviews the application in accordance with established standards for approval, and then either approves or denies the application. The Applicant may appeal the denial of an application for a parade to the City Council. The Applicant may be charged with the costs of special police or other city services required for the parade.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 1, ADDING SECTION 1.3600 REGARDING PARADES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Coe moved to amend the ordinance by including a provision that waives the permit fee. Councilmember Knight seconded the motion.

VOTE:
Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None

Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Coe moved to adopt the ordinance as amended. Councilmember Knight seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

11.C.1. Consider an ordinance adopting the Southwest Downtown Plan. (First Reading) This item was withdrawn from the agenda.

11.C.2. Consider an ordinance to rezone a portion of 4.6575 acres of land from District C-1 (General Commercial with the Historic Overlay) to District C-1 (General Commercial). (1000 E. Main Street) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 4.6575 ACRES OF LAND, OUT OF THE A.W. HARRIS SURVEY, ABSTRACT NO. 298, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT C-1 (GENERAL COMMERCIAL WITH THE HISTORIC OVERLAY) TO DISTRICT C-1 (GENERAL COMMERCIAL).

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Coe moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Knight seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

11.C.3. Consider an ordinance to rezone a portion of 19.9841 acres of land from District SF-2 (Single Family-Standard Lot with Historic Overlay) to District SF-2 (Single Family-Large Lot). (106 W. Anderson) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 19.9841 ACRES OF LAND, OUT OF THE A.W. HARRIS SURVEY, ABSTRACT NO. 298, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT SF-2 (SINGLE FAMILY-

STANDARD LOT WITH THE HISTORIC OVERLAY) TO DISTRICT SF-2 (SINGLE FAMILY-STANDARD LOT).

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE:
Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Knight moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE:
Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

11.C.4. Consider an ordinance to rezone Comfort Suites Subdivision, Lots 1 and 2 from District C-1 (General Commercial with the Historic Overlay) to District C-1 (General Commercial). (420 S. IH 35 and 611 Chisholm Trail) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE LOTS 1 AND 2, COMFORT SUITES SUBDIVISION, OUT OF THE J.M. HARRELL SURVEY, ABSTRACT NO. 284, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM DISTRICT C-1 (GENERAL COMMERCIAL WITH THE HISTORIC OVERLAY) TO DISTRICT C-1 (GENERAL COMMERCIAL).

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE:

Ayes:	Mayor Pro-tem McGraw
	Councilmember Clifford
	Councilmember Knight
	Councilmember Coe
	Mayor Maxwell
Nays:	None
Absent:	Councilmember Nielson
	Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Coe moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Clifford seconded the motion.

VOTE:

Ayes:	Mayor Pro-tem McGraw
	Councilmember Clifford
	Councilmember Knight
	Councilmember Coe
	Mayor Maxwell
Nays:	None
Absent:	Councilmember Nielson
	Councilmember Rhode

ACTION: The motion carried unanimously.

11.C.5. Consider an ordinance annexing 16.517 acres of land out of the David Curry Survey. (845 Hidden Glen Drive) (First Reading) Jim Stendebach,

Planning Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ROUND ROCK, TEXAS, TO WIT: 16.517 ACRES OF LAND, OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN WILLIAMSON COUNTY; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Councilmember Coe moved to adopt the ordinance.

Councilmember Knight seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe

Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

11.C.6. Consider an ordinance to adopt original zoning of District SF-2

(Single Family-Standard Lot) on 16.517 acres of land. (845 Hidden Glen Drive) (First

Reading) Jim Stendebach, Planning Director made the staff presentation for this

item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 16.517 ACRES OF LAND OUT OF THE DAVID CURRY SURVEY, ABSTRACT NO. 130, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS DISTRICT SF-2 (SINGLE FAMILY-STANDARD LOT).

MOTION: Councilmember Knight moved to adopt the ordinance.

Councilmember Coe seconded the motion.

VOTE:
Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

11.C.7. Consider an ordinance to adopt original zoning of District OS (Open Space) on 1.698 acres of land. (4451 Kiphen Road/CR 113) (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.401(2)(a), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 1.698 ACRES OF LAND, MORE OR LESS, OUT OF THE WILLIS DONAHO SURVEY, ABSTRACT NO. 173, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS DISTRICT OS (OPEN SPACE).

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Knight seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Mayor Pro-tem McGraw moved to dispense with the second reading of the ordinance with the unanimous consent of all the

Councilmembers present and to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Knight
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Nielson
 Councilmember Rhode
ACTION: The motion carried unanimously.

11.C.8. Consider an ordinance amending Chapter 8, Subdivisions, Code of Ordinances (1995 Edition) to amend the Table of Contents and the definition of "Protected Tree", to correct terms provided in the fee schedule, and to correct other minor errors and omissions. (First Reading) Jim Stendebach, Planning Director made the staff presentation for this item during the public hearing held earlier in the meeting.

ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 8, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO AMEND THE TABLE OF CONTENT; TO AMEND THE DEFINITION OF "PROTECTED TREE"; TO CORRECT TERMS PROVIDED IN THE FEE SCHEDULE; TO AMEND REQUIREMENTS FOR CONCEPT PLANS, PRELIMINARY PLATS, MINOR SUBDIVISION FINAL PLATS; TO INCLUDE PROTECTED TREE REQUIREMENTS; TO CORRECT TERMS AND CITATIONS; TO AMEND REQUIREMENTS FOR PARKLAND CONVEYANCE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Clifford moved to adopt the ordinance. Councilmember Coe seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Knight moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell
Nays: None
Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

11.C.9. Consider an ordinance concerning an exception to Chapter 10, Section 10.204, Code of Ordinances (1995 Edition) for Water and Wastewater Impact fees for Sonoma Subdivision, Sections 9 and 11. (First Reading) Jim Stendebach, Planning Director made the staff presentation. The water and wastewater impact fees changed from \$3,769.00 to \$5,602.00 on January 1, 2005. The Sonoma Final Plat Sections 9 and 11 were submitted to the City for recording prior to December 31, 2004; at that time these plats met all city requirements to be recorded. However, the county did not record the plats until

January 3 and 4, 2005. The delay by the county in the actual recording date results in the new impact fee applying to these plats. Because the plats were completed and ready for recording on December 30, 2004, it may be reasonable to permit these plats to utilize the previous impact fee. These three sections of Sonoma include 106 developable lots. This action will reduce impact fees collected by the City by \$173,098.00.

ORDINANCE NO. _____

AN ORDINANCE GRANTING AN EXCEPTION TO CHAPTER 10, SECTION 10.204, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS FOR IMPACT FEES FOR CERTAIN PROPERTIES LOCATED WITHIN THE CITY LIMITS OF ROUND ROCK, TEXAS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

MOTION: Mayor Pro-tem McGraw moved to adopt the ordinance. Councilmember Coe seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

MOTION: Councilmember Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Mayor Pro-tem McGraw seconded the motion.

VOTE: Ayes: Mayor Pro-tem McGraw
 Councilmember Clifford
 Councilmember Knight
 Councilmember Coe
 Mayor Maxwell
 Nays: None
 Absent: Councilmember Nielson
 Councilmember Rhode

ACTION: The motion carried unanimously.

RESOLUTIONS:

12.A.1. Consider a resolution authorizing the Mayor to execute a contract with Manly Contracting for the construction of the Country Aire Drive Sidewalk Project (CDBG Program). Mona Ryan, Community Development Coordinator made the staff presentation. This project will build approximately 1,650 l.f. of sidewalks along the north side of Country Aire Drive, providing a continuous pedestrian route. This will complete a portion of the Overall Citywide Sidewalk Plan. On January 25, 2005 we received 6 bids for the Country Aire Drive Sidewalk Project (Community Development Block Grant Program) and the low bid of \$45,536.00 was from Manley Contracting. Based upon the review of the bids staff recommends awarding the bid to Manley Contracting in the amount of \$45,536.00. The project will provide a continuous pedestrian route along Country Aire Drive, completing a portion of the Overall Citywide Sidewalk Plan. The cost of this contract is \$45,536.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has duly advertised for bids for the Country Aire Drive Sidewalk Project (CDBG Program), and

WHEREAS, Manley Contracting has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of Manley Contracting, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with Manley Contracting for the Country Aire Drive Sidewalk Project (CDBG Program).

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Knight seconded the motion.

<u>VOTE:</u> _____	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

12.B.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 3 to the Agreement with Martinez, Wright & Mendez, Inc. for Phase 2 of the redesign of Sam Bass Road from Meadows Drive to IH-35. Tom Martin, Director of Transportation Services made the staff presentation. Martinez, Wright & Mendez, Inc. was contracted to provide Phase 1 and Phase 2 engineering services and construction administration under approved resolutions R-01-05-24-12C3, R-03-05-08-15D1, R-03-09-11-10D1 and R-04-09-23-13F2. This project will reduce maintenance activities and costs for reconstructing the existing road. In addition, mobility will be increased by the construction of additional lanes, turn lanes and sidewalks. Supplemental Agreement #3 includes additional surveying for the water quality pond and engineering design for repairing and/or replacing the water and wastewater utilities located under or adjacent to the existing pavement. The cost of this supplemental agreement is \$67,862.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Engineering Services with Martinez, Wright & Mendez, Inc. for Phase 2 of the redesign of Sam Bass Road from Meadows Drive to IH-35, and

WHEREAS, Martinez, Wright & Mendez, Inc. has submitted Supplemental Agreement No. 3 to the Agreement for Engineering Services for a change in the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 3 with Martinez, Wright & Mendez, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 3 to the Agreement for Engineering Services with Martinez, Wright & Mendez, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Knight seconded the motion.

<u>VOTE:</u> _____	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

*12.B.2. Consider a resolution resetting a date, time and place for a public hearing on the creation of the Forest Creek Drive Public Improvement District. This item was approved under the consent agenda.

RESOLUTION NO. _____
A RESOLUTION RESETTNG A DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE CREATION OF THE FOREST CREEK DRIVE PUBLIC IMPROVEMENT DISTRICT; AND AUTHORIZING PUBLICATION OF NOTICE OF SAID HEARING.

WHEREAS, a petition regarding the creation and establishment of the Forest Creek Drive Public Improvement District has been submitted to the City, and

WHEREAS, the City called a public hearing to consider the creation of the Forest Creek Drive Public Improvement District for February 10, 2005; and

WHEREAS, the City desires to reset the public hearing to consider the creation of the Forest Creek Drive Public Improvement District, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

I.

That a public hearing regarding the creation and establishment of the Forest Creek Drive Public Improvement District shall be held before the City Council of the City of Round Rock, Texas on the 10th day of March, 2005 at 7:00 p.m. in the City Council Chambers at 221 East Main Street, Round Rock, Texas 78664.

II.

That the City Secretary is directed to give proper notice of the hearing as required by Section 372.009 of the Local Government Code.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

*12.C.1. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 5 to the Agreement for Engineering Services with S.D.

Kallman, L.P. for the Westinghouse Wastewater Interceptor Project. This item was approved under the consent agenda.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into an Agreement for Engineering Services ("Agreement") with S.D. Kallman, L.P. for the design of the Westinghouse Wastewater Interceptor, and

WHEREAS, S.D. Kallman, L.P. has submitted Supplemental Agreement No. 5 to the Agreement for a change in the scope of services, and

WHEREAS, the City Council desires to enter into said Supplemental Agreement No. 5 with S.D. Kallman, L.P., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Supplemental Agreement No. 5 to the Agreement with S.D. Kallman, L.P., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

12.C.2. Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with RJN Group, Inc. for the 2004-2005 Wastewater Collection Rehabilitation of three Edwards Aquifer basins. Tom Word, Chief of Public Works Operations made the staff presentation. In February 2004, RJN Group was retained by the City to conduct an Inflow & Infiltration (I&I) Study of Basins OC28-Z, EW01-Z, and CC37-Z. The scope of services consisted of intensive survey activities including manhole inspection, smoke testing, dyed

water flooding, and internal television inspection. At the completion of the evaluation study in December 2004, a recommended plan to reduce I&I during a 5-year storm event and to reduce maintenance repairs in the three basins was prepared by RJN. This contract is to develop construction plans and specifications to rehabilitate the wastewater collection system in the three basins. The schedule of repairs includes 319 manholes, 21 point repairs, and 12,490 linear feet of sewer replacement for an estimated construction cost of \$1,563,675. The City is required to continue this program in order to comply with the TCEQ's Edwards Aquifer Recharge Zone Protection Program requirements. The elimination of defects will reduce inflow and infiltration entering the City's Wastewater Collection System, thereby reducing the City's treatment cost to the LCRA and BRA, who own and operate the Brushy Creek Regional Wastewater Treatment Plant. The cost of this contract is \$197,550.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock desires to retain engineering services for the 2004-2005 Wastewater Collection Rehabilitation of three Edwards Aquifer Basins, and

WHEREAS, RJN Group, Inc. has submitted a Contract for Engineering Services to provide said services, and

WHEREAS, the City Council desires to enter into said contract with RJN Group, Inc., Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a Contract for Engineering Services with RJN Group, Inc. for the 2004-2005 Wastewater Collection Rehabilitation of three

Edwards Aquifer Basins, a copy of said contract being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Coe seconded the motion.

<u>VOTE:</u> _____	Ayes:	Councilmember Clifford Councilmember Knight Councilmember Coe Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson Councilmember Rhode Mayor Pro-tem McGraw was out of the room when the vote was taken.

ACTION: The motion carried unanimously.

12.C.3. Consider a resolution authorizing the Mayor to execute a Change Order No. 3 with Corrosion Eliminators, Inc. for the 2002-2003 Water Storage Tank(s) Rehabilitation Project (Proposals A and C). Tom Word, Chief of Public Works Operations made the staff presentation. The City has made several attempts to isolate the Southeast Ground Storage Tank (SE GST) and Pump Station. However, none of the schemes attempted will allow us to isolate said tank and pump station without creating undue risks to the areas served by the Southeast Ground Storage Tank. The City will not be able to isolate the SE GST until the East Water Transmission Line, Phase 3A-1 and 3A-2 located in Redbud Lane, are in service, which is scheduled to be around August 2005. The tank will be included in a future rehabilitation project for repairs. This resolution for Change Order No. 3 will remove

the Southeast Ground Tank Rehabilitation from the "2002-2003 Water Storage Tank(s) Rehabilitation – Proposal A & C", contract with Corrosion Eliminator, Inc. This will reduce the contract amount by \$192,681.00 or 25.91%. With this the City is terminating the Contract under Article 11.02 - Termination for Convenience, of the General Conditions of Agreement.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has previously entered into a contract ("Contract") with Corrosion Eliminators, Inc. for the 2002-2003 Water Storage Tank(s) Rehabilitation Project (Proposals A and C), and

WHEREAS, the Council has determined that it is necessary to make changes to the plans or specifications of the Contract due to unforeseen circumstances, and to close out the contract, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 3, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City Contract Change Order No. 3 to the Contract with Corrosion Eliminators, Inc., a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Coe seconded the motion.

VOTE:

Ayes: Mayor Pro-tem McGraw
Councilmember Clifford
Councilmember Knight
Councilmember Coe
Mayor Maxwell

Nays: None

Absent: Councilmember Nielson
Councilmember Rhode

ACTION: The motion carried unanimously.

12.C.4. Consider a resolution authorizing the Mayor to execute a Pipeline Crossing Agreement with Union Pacific Railroad Company. This item was withdrawn from the agenda at the request of staff.

12.D.1. Consider a resolution authorizing the Mayor to execute an amendment to the Interlocal Agreement with Williamson County regarding the regulation and approval of subdivision plats including the Parkside at Mayfield Ranch Subdivision in Williamson County's jurisdiction. This item was withdrawn from the agenda at the request of staff.

12.D.2. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with the Williamson County and Cities Health District for the Emergency Dental Care Program for \$8,000.00. Mona Ryan, Community Development Coordinator made the staff presentation. The health district will furnish \$200 vouchers to persons in need of dental care that can be used with participating dentists. WCCHD will serve 40 indigent persons with this program who suffer from acute dental problems. This is the second year of this program which is highly successful and very quickly runs out of funds. Last year all the funds were spent within the first month of the program. On July 22, 2004 City Council adopted by resolution R-04-07-22-13C1 the 2004-2009 Community Development Consolidated Plan and 2004-2005 Action Plan. Table 3 of this plan lists the Consolidated Plan listing of projects to be implemented in the 2005 fiscal year.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the City of Round Rock wishes to engage the Williamson County and Cities Health District to assist the City in utilizing said funds, and

WHEREAS, the City Council desires to enter into a Community Development Block Grant Agreement with the Williamson County and Cities Health District for the Emergency Dental Care Program, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Community Development Block Grant Agreement with the Williamson County and Cities Health District for the Emergency Dental Care Program, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted

upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Councilmember Knight moved to approve the resolution. Councilmember Coe seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

12.D.3. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with the Williamson County and Cities Health

District for the CHIP/Medicaid Program for \$7,500.00. Mona Ryan, Community Development Coordinator made the staff presentation. WCCHD estimates that it will re-enroll 1,740 children back into the CHIP program to re-instate their health insurance benefits. CDBG funds will be used to partially fund a part-time staff position. This person will concentrate on contacting each CHIP enrolled family from Round Rock in the state's database to encourage re-enrollment. This process includes up to three attempts to reach families of 3,480 children. On July 22, 2004 City Council adopted by resolution R-04-07-22-13C1 the 2004-2009 Community Development Consolidated Plan and 2004-2005 Action Plan. Table 3 of this plan lists the Consolidated Plan listing of projects to be implemented in the 2005 fiscal year.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the City of Round Rock wishes to engage the Williamson County and Cities Health District to assist the City in utilizing said funds, and

WHEREAS, the City Council desires to enter into a Community Development Block Grant Agreement with the Williamson County and Cities Health District for the CHIP/Medicaid Program, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Community Development Block Grant Agreement with the Williamson County and Cities Health District for the CHIP/Medicaid Program, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted

upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Knight seconded the motion.

VOTE:

Ayes:	Mayor Pro-tem McGraw
	Councilmember Clifford
	Councilmember Knight
	Councilmember Coe
	Mayor Maxwell
Nays:	None
Absent:	Councilmember Nielson
	Councilmember Rhode

ACTION: The motion carried unanimously.

12.D.4. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with Williamson-Burnet County Opportunities for an adult daycare program for \$10,000.00. Mona Ryan, Community Development Coordinator made the staff presentation. This agency provides adult day care for elderly family members of who require monitoring of daily activities. WBCO estimates that it will serve 55 adults with this new program, with 50 being from low and moderate income families. The objective of this new program is to add mental, visual, and physical stimulation through music. On July 22, 2004 City Council adopted by resolution R-04-07-22-13C1 the 2004-2009 Community Development Consolidated Plan and 2004-2005 Action Plan. Table 3 of this plan lists the Consolidated Plan listing of projects to be implemented in the 2005 fiscal year.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the City of Round Rock wishes to engage Williamson-Burnet County Opportunities to assist the City in utilizing said funds, and

WHEREAS, the City Council desires to enter into a Community Development Block Grant Agreement with Williamson-Burnet County Opportunities for an Adult Day Care Program, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Community Development Block Grant Agreement with Williamson-Burnet County Opportunities for an Adult Day Care Program, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted

upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Knight seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

12.D.5. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with the Round Rock Area Serving Center for transportation vouchers for \$7,000.00. Mona Ryan, Community Development Coordinator made the staff presentation. This on-going service provided through the Serving Center is available to clients of the Round Rock Health Clinic, Bluebonnet Trails MHMR, and the Serving Center. The Round Rock Area Serving Center will provide vouchers for taxi services to low-income persons in need of transportation to keep medical appointments. On July 22, 2004 City Council adopted by resolution R-

04-07-22-13C1 the 2004-2009 Community Development Consolidated Plan and 2004-2005 Action Plan. Table 3 of this plan lists the Consolidated Plan listing of projects to be implemented in the 2005 fiscal year.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the City of Round Rock wishes to engage the Round Rock Area Serving Center to assist the City in utilizing said funds, and

WHEREAS, the City Council desires to enter into a Community Development Block Grant Agreement with the Round Rock Area Serving Center for transportation vouchers, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Community Development Block Grant Agreement with the Round Rock Area Serving Center for transportation vouchers, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted

upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Coe seconded the motion.

<u>VOTE:</u> _____	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

12.D.6. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with Children's Support Coalition for counseling services for \$6,000.00. Mona Ryan, Community Development Coordinator made the staff presentation. The Children's Support Coalition is a resource for families who have exhausted all their insurance benefits, or who have no insurance, and are in need of financial assistance to continue medical treatments for their children. The Children's Support Coalition will provide financial resources to obtain counseling for families whose children have been diagnosed with a mental health condition. On July 22, 2004 City Council adopted by resolution R-04-07-22-13C1 the 2004-2009 Community Development Consolidated Plan and 2004-2005 Action Plan. Table 3 of this plan lists the Consolidated Plan listing of projects to be implemented in the 2005 fiscal year.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the City of Round Rock wishes to engage Children's Support Coalition to assist the City in utilizing said funds, and

WHEREAS, the City Council desires to enter into a Community Development Block Grant Agreement with Children's Support Coalition for counseling services, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Community Development Block Grant Agreement with the Children's Support Coalition for counseling services, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted

upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February 2005.

MOTION: Councilmember Clifford moved to approve the resolution. Councilmember Knight seconded the motion.

<u>VOTE:</u>	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

12.D.7. Consider a resolution authorizing the Mayor to execute a Community Development Block Grant Agreement with the Williamson County and Cities Health District for the 20/20 Optical Voucher Project for \$2,500.00. Mona Ryan, Community Development Coordinator made the staff presentation. CDBG funds will be used for \$100 vouchers that allow 25 extremely low income persons to obtain a visual exam and purchase a pair of single vision glasses. This is a new program for the health district. On July 22, 2004 City Council adopted by resolution R-04-07-22-13C1 the 2004-2009 Community Development Consolidated Plan and 2004-2005 Action Plan. Table 3 of this plan lists the Consolidated Plan listing of projects to be implemented in the 2005 fiscal year.

RESOLUTION NO. _____

WHEREAS, the City of Round Rock has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, and

WHEREAS, the City of Round Rock wishes to engage the Williamson County and Cities Health District to assist the City in utilizing said funds, and

WHEREAS, the City Council desires to enter into a Community Development Block Grant Agreement with the Williamson County and

Cities Health District for the 20/20 Optical Voucher Project, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Community Development Block Grant Agreement with the Williamson County and Cities Health District for the 20/20 Optical Voucher Project, a copy of said agreement being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted

upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 10th day of February, 2005.

MOTION: Mayor Pro-tem McGraw moved to approve the resolution. Councilmember Clifford seconded the motion.

<u>VOTE:</u> _____	Ayes:	Mayor Pro-tem McGraw
		Councilmember Clifford
		Councilmember Knight
		Councilmember Coe
		Mayor Maxwell
	Nays:	None
	Absent:	Councilmember Nielson
		Councilmember Rhode

ACTION: The motion carried unanimously.

COUNCIL COMMENTS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:37 p.m.

Respectfully Submitted,

Christine R. Martinez, City
Secretary